IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

WP(C).No. 21607 of 2007(V)

PETITIONERS:

1. **S.SASIKUMAR, S/O.SIVARAMAN P., VALIYAVILA PUTHENVEEDU, CHIRAKKULAM, VENPAKAL P.O. ATHIYANNOOR VILLAGE, NEYYATTINKARA.**
2. **R.CHANDRASEKHARAN, S/O.RAGHAVAN, ERUVAIVILAKAM, MULLUVILA P.O., NEYYATTINKARA TALUK.**

BY ADV. SRI.SAJU.S.A

RESPONDENTS:

1. **G.PREMAKUMARY, HEADMISTRESS, VENPAKAL GOVT. L.P.G.S., VENPAKAL P.O., NEYYATTINKARA.**
2. **THE ASSISTANT EDUCATIONAL OFFICER, BALARAMAPURAM, THIRUVANANTHAPURAM.**
3. **THE DEPUTY DIRECTOR OF EDUCATION, THIRUVANANTHAPURAM.**

BY SR.GOVERNMENT PLEADER SRI. T.T. MUHAMOOD
BY ADV. SRI.T.RAJASEKHARAN NAIR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE NOTICE DTD. 18/06/2007 ISSUED BY THE 1ST RESPONDENT.

EXT.P2: COPY OF THE MINUTES OF GENERAL BODY MEETING HELD ON 21/06/2007.

EXT.P3: COPY OF THE COMPLAINT BEFORE THE ATHIYANOOR GRAMA PANCHAYATH COMMITTEE DTD. 02/07/2007.

EXT.P4: COPY OF THE NOTICE ISSUED BY THE 1ST RESPONDENT DTD. 05/07/2007.

EXT.P5: COPY OF REPRESENTATION BY THE 1ST PETITIONER BEFORE 3RD RESPONDENT DTD. 04/07/2007.

EXT.P6: COPY OF THE REPRESENTATION TO THE 3RD RESPONDENT ON 11/07/2007 BY THE PETITIONERS.

1ST RESPONDENT'S EXHIBITS:

EXT.R1(A): COPY OF THE RELEVANT PAGES OF THE BYE-LAWS OF PTA. COMMITTEE.

EXT.R1(B): COPY OF THE COMPLAINT SUBMITTED BY THE 1ST RESPONDENT TO THE ATHIYANNOOR GRAMA PANCHAYATH.

EXT.R1(C): COPY OF THE COMPLAINT SUBMITTED BY THE PRESIDENT OF THE ATHIYANOOR GRAMA PANCHAYATH TO THE 3RD RESPONDENT.

EXT.R1(D): COPY OF THE COMPLAINT SUBMTTED BY THE PARENTS OF THE STUDENTS IN THE SCHOOL TO THE 2ND RESPONDENT.

EXT.R1(E): COPY OF THE COMPLAINT SUBMITTED BY THE TEACHERS AND THE OTHER EMPLOYEES OF THE SCHOOL TO THE 2ND RESPONDENT.

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EXT.R1(F): COPY OF THE COMPLAINT SUBMITTED BY ONE OF THE TEACHERS OF THE SCHOOL TO THIS RESPONDENT.

EXT.R1(G): COPY OF THE COMPLAINT SUBMITTED BY SMT. RAJALEKSHMI, ONE OF THE TEACHERS OF THE SCHOOL TO THIS RESPONDENT.

EXT.R1(H): COPY OF THE COMPLAINT SUBMITTED BY JOY JOSEPH, P.D. TEACHER OF THE SCHOOL TO THIS RESPONDENT.

EXT.R1(I): COPY OF THE COMPLAINT SUBMITTED BY ONE SMT. SUMA, A COMPUTER TEACHER TO THIS RESPONDENT.

EXT.R1(J): COPY OF THE REPORT SUBMITTED BY 1ST RESPONDENT TO THE 2ND RESPONDENT.

2ND RESPONDENT'S EXHIBITS:

EXT.R2(A) & R2(B): COPY OF THE COMPLAINT.

EXT.R2(C): COPY OF THE REQUEST.

/TRUE COPY/

P.A.TO JUDGE

KSS

S. SIRI JAGAN, J.

WP(C) NO. 21607 OF 2007 - V

Dated this the 7th day of September, 2007

J U D G M E N T

The issue involved in this writ petition is regarding the election to the office bearers of the Parent-Teacher Association ('P.T.A.' for short) of Govt.L.P.G.S., Chirakkulam, Venpakal. The petitioners contend that the first and second petitioners were elected as President and Secretary respectively of the P.T.A. in the General Body meeting convened on 21.6.2007, in spite of which the first respondent has issued Ext.P4 Notice dated 5.7.2007 convening another general body meeting on 13.7.2007 for the purpose of election which, according to the petitioners, is patently unsustainable.

2. The second respondent has filed a counter affidavit stating that no valid election took place in the meeting held on 21.6.2007 because of the unruly attitude of the petitioners and their supporters and that because of their unruly conduct, no election could be conducted on 13.7.2007 also.

3. The petitioners have filed a reply affidavit contesting these statements in the counter affidavit.

4. I think that it is not necessary to allow the matter to drift further by resolving the disputes raised. A stalemate in the matter of functioning of the P.T.A. is also not in the interest of the school and the students. In the circumstances, I think that the District Educational Officer of the District should take up the matter for convening a General Body meeting and conducting the election in the best interests of all concerned. The parties are also agreeable to the said course of action.

5. In the above circumstances, the writ petition is disposed of with the following directions:-

The District Educational Officer, Neyyattinkara shall obtain a list of parents who are eligible to be members of the General Body of the P.T.A. of the school from the first respondent. Thereafter, the D.E.O. shall cause to issue notices to all those members including the teachers of the school through the first

respondent, fixing a particular date for election of office bearers of the P.T.A. The election shall be conducted on that date. If necessary, the D.E.O. shall obtain assistance from the Police in this regard to see that nobody disrupts the meeting and the election process. The Station House Officer of the concerned Police Station shall arrange to grant necessary police assistance for smooth conduct of the meeting and election on production of a copy of this judgment. The Office bearers so elected in the General Body meeting so conducted shall take charge of the P.T.A. as directed by the District Educational Officer.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J.

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007